

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD B. SPENCER,

Plaintiff,

v.

D. LOPEZ,

Defendant.

Case No. 1:20-cv-01203-JLT-BAK (SKO) (PC)

**ORDER RESPONDING TO PLAINTIFF'S
MOTION FOR CLARIFICATION**

(Doc. 46)

Plaintiff Edward B. Spencer is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983.

On May 23, 2022, Plaintiff filed a motion for clarification. (Doc. 46.) Plaintiff asks, “if Magistrate Judge Sheila K. Oberto is still assigned as temporary Magistrate Judge to this instant case” and whether “this case is assigned to [the] Fresno or Sacramento Division, based on the fact Defendant attorney template has Sacramento Division?” (*Id.*)

Regarding Plaintiff’s first inquiry, the undersigned was temporarily assigned as magistrate judge in this action on January 7, 2022, due to the elevation of Jennifer L. Thurston to District Judge. (Doc. 33.) Since that time, the undersigned has issued an Order granting Plaintiff an extension of time within which to file a reply to Defendant’s opposition to Plaintiff’s motion to

1 strike affirmative defenses (Doc. 37 [1/20/22]), and Orders granting Defendant's two motions to
2 modify the discovery and scheduling order (Doc. 39 [3/10/22] & Doc. 45 [5/17/22]). The
3 undersigned remains temporarily assigned to this action and Plaintiff's previously filed motions
4 (Docs. 29, 31, 40)¹ remain on the undersigned's docket and will be considered in due course.

5 Concerning Plaintiff's second inquiry, this matter has been assigned to the Fresno
6 Division of the Court since Plaintiff filed his complaint in August 2020. (Doc. 1.) The fact that
7 defense counsel works from the California Attorney General's Office in Sacramento, California,
8 has no bearing on where this action is handled within the Eastern District of California.

9 For the reasons stated above, Plaintiff's motion for clarification (Doc. 46) is deemed
10 resolved.

11 IT IS SO ORDERED.

12 Dated: May 25, 2022

13 /s/ Sheila K. Oberto
14 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The following motions are pending decision: (1) Plaintiff's motion to strike affirmative defenses filed
28 10/29/21, Plaintiff's motion to strike affirmative defenses filed 12/15/21, and Plaintiff's motion to strike
his deposition filed 4/4/22.